

BB
Chinc'

said controller configuring said profile in response to said required
information from said another terminal.—

REMARKS

Reconsideration of the present application as amended is respectfully requested.

By means of the present amendment, the specification and abstract and claims have been amended to place them in better form, such as adding headings and correcting an informality to the specification, limiting the abstract to a single paragraph, and changing "characterized in that" to - - wherein- - in the claims.

In the Office Action, the Examiner objected to the drawing for failing to comply with 37 CFR §1.83 (a) for failing to show labels indicating what reference numbers are pertaining to FIGs 2-3. In response, labels have been added to FIGs 2-3. Proposed changed FIGs 2-3 are enclosed. Applicants respectfully request withdrawal of the drawings objection and approval of the enclosed proposed drawing changes.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. §102 (b) as being anticipated by European Patent Application No. EP0 825 791 (BT). In response, claims 1 and 5 have been canceled without prejudice, claims 3-4 and 8-9 have been amended, and new claims 10-16 have been added for clarification. It is respectfully submitted that claims 2-4 and 6-16 are patentable over BT for at least the following reasons.

BT is directed to a registration process where a telephone acquires program data from a base station of a network for controlling the mobile phone operation. In particular, the base station transmits a signal indicative of a preferred mode of operation. The mobile station responds indicating whether it has the required program data, then the base station

transmits them to the mobile station. If the mobile station is unable to accept the data, then the process is repeated where the base station transmits the next preferred mode of operation. Such repetition delays the registration process.

Thus, it is the base station, or the station that ultimately provides any required data, that chooses the mode of operation without any initial knowledge of the capabilities of the mobile station, or the station receiving such required data.

In stark contrast, the present invention as recited in independent claims 2, 6, 9, 10, 15 and 16 requires that the station requiring any data, e.g., the mobile station, to first provide its capabilities to the second station, e.g., the base station, which ultimately provides required data for configuration of the mobile station for example. This provides substantial benefits, such as minimizing any delay or repetition in the configuration process.

BT does not teach or suggest a configurable terminal; receives from the other terminal parameters that match its capabilities; selects a portion of the received parameters to form selected parameters and informs the other terminal of these selected parameters; receives from the other terminal required information to form a profile based on the selected parameters; and configures its profile in response to the required information from the other terminal, as recited in independent claims 10 and 15-16.

Further, there is no teaching or suggestion in BT of a terminal that transmits a "message giving parameters relating to its capabilities, where the other terminal configures itself in accordance with the received parameters", as recited in independent claim 2.

In addition, BT does not teach or suggest a terminal that has means for configuring itself in response to the receipt of a message transmitted by another terminal giving

parameters relating to its capabilities", as recited in independent claim 6; or "at least one of the software functions being alterable in response to the receipt of a message from said another terminal containing new software function plus interface software required by the processor in building the new function into an actual implementation on the terminal; said message being selected based on capabilities of said terminal by said terminal to said another terminal", as recited in independent claim 9.

Providing capabilities and then configuring based on such capabilities prevents the situation described in BT of not being able to accept data sent without regard to any terminal capability, and thus repeating data transmission until the receiving terminal is able or capable of using the data for configuring itself. (See Abstract, second paragraph.) If the capabilities of the configurable terminal are transmitted first, then it should be able to accept and use the very first set of data it receives for configuration, when this first set of data is selected based on the capabilities of the configurable terminal. This prevents repetitious transmission of unusable data until the proper data is sent, thus reducing delay in the configuration process.

Accordingly, it is respectfully requested that independent claims 2, 6, 9, 10, 15 and 16 be allowed. In addition, as claims 3-4 and 7-8 depend from independent claims 2 and 6, applicant respectfully request that claims 3-4 and 7-8 be allowed over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Frank Keegan, Esq., Intellectual Property Counsel, Philips Electronics North America Corp., at 914-333-9607.

Respectfully submitted,



Michael A. Scaturro
Reg. No. 51,356
Attorney for Applicant

Enclosure : Substitute Abstract
 Proposed Drawing Changes (FIGs 2-3)
 Marked Up Abstract (Appendix A)
 Marked Up Amended Specification Paragraphs (Appendix B)
 Marked Up Amended Claims (Appendix C)

Mailing Address:
Intellectual Property Counsel
Philips Electronics North America Corp.
580 White Plains Road
Tarrytown, New York 10591

Appendix A

Version with Markings to Show Changes Made to the Abstract

[A RECONFIGURABLE COMMUNICATION SYSTEM]

A communication system [comprises] includes first and second terminals [FP, PP] which are able to communicate [at least] control messages to each other. [At least one] One of the [first and second] terminals [has means for configuring/reconfiguring] can reconfigure itself by a process of service negotiations with the other [of the first and second] terminal where the capabilities of the reconfigurable terminal are provided to the other terminal.

Each of the terminals [comprises] has a transceiver, a memory for storing software functions, and a processor for controlling the operation of the terminal in accordance with stored software functions. At least one of he software functions is alterable in response to the receipt of a control message containing the new software function plus interface software required by the processor in building a new function into an actual implementation on the terminal.

The communication system may be a cordless and/or cellular telephone system [in which the configuration/reconfiguration] where messages are sent over-the-air, or a corded system [in which] where [configuration/reconfiguration] messages are relayed by landline.

[(Figure 2)]

Appendix B

Version with Markings to Show Changes Made to Paragraphs of the Specification

The following is a marked up version of the specification, the paragraph on page

10, line 29:

In step [60]58, the server 50 transmits Download Installation Profile.

Appendix C

Version with Markings to Show Changes Made to the Claims

Claims 1 and 5 have been canceled without prejudice and claims 3-4 and 8-9 have been amended. The following are marked up versions of amended claims 3-4 and 8-9.

3. (Twice Amended) A method as claimed in claim [1, characterized in that] 2, wherein the one of said first and second terminals initiating the configuring/reconfiguring operation transmits the required function plus software required in building a new function into an actual implementation on the other of said first and second terminals.
4. (Twice Amended) A method as claimed in Claim [1, characterized in that] 2, further comprising testing the air interface to ensure that configuration/reconfiguration has taken place without error.
8. (Twice Amended) A communications system as claimed in claim [5, characterized in that] 6, wherein the first and second terminals each have a software interface including a memory and means for altering the memory, in that at least a portion of the area of the memory has a part allocated to respective software functions and in that the memory altering means replaces the area of a respective part in response to a new function being downloaded.

9. (Once Amended) A terminal for use in a communication system in which [one] another terminal can configure/reconfigure [another] said terminal by service negotiation, the terminal comprising a transceiver, a memory for storing software functions, and a processor for controlling [the] operation of the terminal in accordance with stored software functions, at least one of the software functions being alterable in response to the receipt of a message from said another terminal containing [the] new software function plus interface software required by the processor in building [a] the new function into an actual implementation on the terminal; said message being selected based on capabilities of said terminal which are transmitted by said terminal to said another terminal.